IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 29482 of 2007(I)

AS.267/2007 of D.C. & SESSIONS COURT,KOZHIKODE
OS.239/2003 of III ADDL.SUB COURT, KOZHIKODE
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PETITIONER:

V. SREEDHARAN, S/O. GOVINDAN,
DELITE, Y.M.C.A. CROSS ROAD, CALICUT,REPRESENTED
BY HIS POWER OF ATTORNEY HOLDER,O.MUHAMMED SHAREEF
S/O. O.KAMMUKKUTTY HAJI, O.K.H. HOUSE, MANKAVU,
CALICUT, VALAYANAD AMSOM, DESOM.

BY ADV. SRI.R.RAMADAS

RESPONDENTS:

CORPORATION OF CALICUT,
REPRESENTED BY THE SECRETARY, CORPORATION OFFICE
BUILDING, NAGARAM AMSOM, DESOM, KOZHIKODE TALUK.

BY SRI. P.V. UNNIKRISHNAN, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 29482 OF 2007

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Dated this the 5th day of October, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the District Judge, Kozhikode to dispose of Ext.P1 appeal or Ext.P2 interlocutory application expeditiously and till the same direct the respondent not to implement Ext.P4 proceedings. A perusal of Ext.P4 would show that an amount is demanded for the period 2003 February to 2007 September and the monthly licence fee is Rs.8,800/-. So, if it is calculated for 56 months it will come to Rs.4,92,800/-. I am informed that Rs.2 lakh has already been paid as per Ext.P3. So, in order to facilitate the writ petitioner to have a hearing on the matter by the District Judge I direct him to pay Rs.1 lakh within a period of two weeks and another one lakh within a period of one month from the first deposit of Rs.1 lakh. Till that time the Corporation is directed not to proceed with recovery proceedings in pursuance of Ext.P4. I also direct the District Judge, Kozhikode at least to consider

Ext.P2 application and pass an order after hearing both sides within a period of two months. If the learned District Judge feels that the appeal itself can be disposed of he is at liberty to do so. The observations made herein are only for the purpose of disposing this writ petition and to enable the writ petitioner to have a hearing.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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